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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,562	04/30/2001	Lee D. Whetsel	TI-31206	2216

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EXAMINER

CHUNG, PHUNG M

ART UNIT PAPER NUMBER

2133

DATE MAILED: 02/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/845,562

**Applicant(s)**

WHETSEL, LEE D.

**Examiner**

Phung M. Chung

**Art Unit**

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1-3, line 2, "comprising the steps of;" should be changed to --, comprising the steps of: --.

As per claims 4-6, line 1, "comprising;" should be changed to --, comprising: --.

In addition to claim 4, lines 2-3, "a first group of ..single mode test access ports" the functional structure and/or interconnection/interrelation is unclear and it also fails to show how or when the first group or the second group is used.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Whetsel (5,606,566).

As per claim 1, Whetsel discloses the invention substantially as claimed, comprising the steps of:

Performing an 1149.1 instruction shift operation through a first dual mode test access port domain arrangement;

Performing an 1149.1 instruction update operation at the end of the 1149.1 instruction shift operation; and

In response to the 1149.1 instruction update operation, selecting a second dual mode test access port domain arrangement which differs from the first dual mode

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test access port domain arrangement. (See col. 9, line 34-64 and col. 1, line 49 to col. 2, line 35).

As per claims 2-3, whetsel disclose the invention substantially as claimed, comprising the steps of:

Communicating to a plurality of dual mode test access ports using a first protocol to select one or more of the plurality of dual mode test access port for communication using the second protocol. And thereafter

Communicating to the selected one or more dual mode test access port using the second protocol. (See col. 1, line 49 to col. 2, line 18).

As per claims 4-5, Whetsel discloses the invention substantially as claimed, comprising:

A first group of one or more dual mode test access ports;

A second group of one or more single mode test access ports; and

A circuitry operable in a first mode for accessing the first and second groups in combination and in a second mode for accessing the first and second groups individually. (See Abstract and col. 1, lines 49 to col. 2, line 24, col. 3, line 49 to col. 4, line 30 and col. 6, lines 30-62).

As per claim 6, Whetsel discloses the invention substantially as claimed, comprising:

A serial input terminal and a serial output terminal;

A TAP controller;

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An instruction register having a parallel output bus, a serial input connected to the serial input terminal, a serial output, and control inputs connected to the TAP controller;

A multiplexer having a first input connected to the serial input terminal, a second input connected to the instruction register serial output, control input connected to the TAP controller, and an output connected to the serial output terminal; and

A TAP clock circuit having an input connected to the parallel output bus of the instruction register and an output connected to the TAP controller. (See col. 1, line 49 to col. 2, line 18).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung M. Chung whose telephone number is 703-305-9686. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PHUNG M. CHUNG  
PRIMARY EXAMINER